

HOUSE BILL NO. 419

INTRODUCED BY KOOPMAN, GEBHARDT, OLSON

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A TOWN OR THIRD-CLASS CITY TO PLACE GAS TAX FUNDS IN A RESTRICTED ASSET ACCOUNT WITHIN THE GAS TAX APPORTIONMENT FUND UNTIL AN EXPENDITURE IS NEEDED; AMENDING SECTION 15-70-101, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 15-70-101, MCA, is amended to read:

**"15-70-101. Disposition of funds.** (1) All taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be placed in a highway revenue account in the state special revenue fund to the credit of the department of transportation. All interest and income earned on the account must be deposited to the credit of the account and any unexpended balance in the account must remain in the account. Those funds allocated to cities, towns, counties, and consolidated city-county governments in this section must, in accordance with the provisions of 15-1-501, be paid by the department of transportation from the state special revenue fund to the cities, towns, counties, and consolidated city-county governments.

(2) The amount of \$16,766,000 of the taxes collected under this chapter is statutorily appropriated, as provided in 17-7-502, to the department of transportation and must be allocated each fiscal year on a monthly basis to the counties, incorporated cities and towns, and consolidated city-county governments in Montana for construction, reconstruction, maintenance, and repair of rural roads and city or town streets and alleys, as provided in subsections (2)(a) through (2)(c):

(a) The amount of \$100,000 must be designated for the purposes and functions of the Montana local technical assistance transportation program in Bozeman.

(b) The amount of \$6,306,000 must be divided among the various counties in the following manner:

(i) 40% in the ratio that the rural road mileage in each county, exclusive of the national highway system and the primary system, bears to the total rural road mileage in the state, exclusive of the national highway system and the primary system;

(ii) 40% in the ratio that the rural population in each county outside incorporated cities and towns bears



1 to the total rural population in the state outside incorporated cities and towns;

2 (iii) 20% in the ratio that the land area of each county bears to the total land area of the state.

3 (c) The amount of \$10,360,000 must be divided among the incorporated cities and towns in the following  
4 manner:

5 (i) 50% of the sum in the ratio that the population within the corporate limits of the city or town bears to  
6 the total population within corporate limits of all the cities and towns in Montana;

7 (ii) 50% in the ratio that the city or town street and alley mileage, exclusive of the national highway system  
8 and the primary system, within corporate limits bears to the total street and alley mileage, exclusive of the national  
9 highway system and primary system, within the corporate limits of all cities and towns in Montana.

10 (3) (a) For the purpose of allocating the funds in subsections (2)(b) and (2)(c) to a consolidated  
11 city-county government, each entity must be considered to have separate city and county boundaries. The city  
12 limit boundaries are the last official city limit boundaries for the former city unless revised boundaries based on  
13 the location of the urban area have been approved by the department of transportation and must be used to  
14 determine city and county populations and road mileages in the following manner:

15 (i) Percentage factors must be calculated to determine separate populations for the city and rural county  
16 by using the last official decennial federal census population figures that recognized an incorporated city and the  
17 rural county. The factors must be based on the ratio of the city to the rural county population, considering the total  
18 population in the county minus the population of any other incorporated city or town in the county.

19 (ii) The city and county populations must be calculated by multiplying the total county population, as  
20 determined by the latest official decennial census or the latest interim year population estimates from the Montana  
21 department of commerce as supplied by the United States bureau of the census, minus the population of any  
22 other incorporated city or town in that county, by the factors established in subsection (3)(a)(i).

23 (b) The amount allocated by this method for the city and the county must be combined, and single  
24 monthly payments must be made to the consolidated city-county government.

25 (4) All funds allocated by this section to counties, cities, towns, and consolidated city-county  
26 governments must be used for the construction, reconstruction, maintenance, and repair of rural roads or city or  
27 town streets and alleys or for the share that the city, town, county, or consolidated city-county government might  
28 otherwise expend for proportionate matching of federal funds allocated for the construction of roads or streets  
29 that are part of the primary or secondary highway system or urban extensions to those systems. The governing  
30 body of a town or third-class city, as defined in 7-1-4111, may each year expend no more than 25% of the funds

1 allocated to that town or third-class city for the purchase of capital equipment and supplies to be used for the  
2 maintenance and repair of town or third-class city streets and alleys. The governing body of a town or third-class  
3 city may place ALL OR A PART OF the 25% in a restricted asset account within the gas tax apportionment fund that  
4 is carried forward until there is a need for the expenditure.

5 (5) All funds allocated by this section to counties, cities, towns, and consolidated city-county  
6 governments must be disbursed to the lowest responsible bidder according to applicable bidding procedures  
7 followed in all cases in which the contract for construction, reconstruction, maintenance, or repair is in excess  
8 of \$25,000.

9 (6) For the purposes of this section in which distribution of funds is made on a basis related to population,  
10 the population must be determined annually for counties and biennially for cities according to the latest official  
11 decennial census or the latest interim year population estimates from the Montana department of commerce as  
12 supplied by the United States bureau of the census.

13 (7) For the purposes of this section in which determination of mileage is necessary for distribution of  
14 funds, it is the responsibility of the cities, towns, counties, and consolidated city-county governments to furnish  
15 to the department of transportation a yearly certified statement indicating the total mileage within their respective  
16 areas applicable to this chapter. All mileage submitted is subject to review and approval by the department of  
17 transportation.

18 (8) Except by a town or third-class city as provided in subsection (4), the funds authorized by this section  
19 may not be used for the purchase of capital equipment.

20 (9) Funds authorized by this section must be used for construction and maintenance programs."  
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22 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2007.  
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